

◇ RETURN DATE: MARCH 18, 2014

SUPERIOR COURT

ANGELA BORELLI, ADMINISTRATRIX OF
THE ESTATE OF BRANDON GIORDANO

J.D. OF ANSONIA/MILFORD

V.

ANTHONY RENALDI, MICHAEL JASMIN,
WILLIAM KING, TOWN OF SEYMOUR

FEBRUARY 10, 2014

COMPLAINT

COUNT ONE (Negligence as to defendants Anthony Renaldi and Michael Jasmin)

1. Angela Borelli, having been duly appointed on May 25, 2012 by the Court of Probate for Region 22 in the Town of Southbury as the Administratrix of the Estate of Brandon Giordano and brings this action against the defendants.
2. At all times relevant herein, the Defendant, Town of Seymour, was a municipal corporation organized and existing under the laws of the State of Connecticut, and the defendant Town of Seymour, operated, controlled and supervised the Seymour Police Department.
3. At all times relevant herein, Michael Metzler was the Chief of Police for the Seymour Police Department and was charged under Section 14-283a of the Connecticut General Statutes with the responsibility of assuring that the Town of Seymour officers understood

the Uniform Statewide Pursuit Policy, 14-283a-1 to 14-283a-4 of the Regulations of Connecticut State Agencies, and Seymour Police Department Regulations governing police pursuits, Sections 5.11.5 and 5.11.11 through 5.11.13.

4. At all times relevant herein, Sergeant William King (hereinafter "Sgt. King") was a duly appointed and sworn officer of the Seymour Police Department.
5. At all times relevant herein, Sgt. King was the shift supervisor responsible for supervising the officers on duty.
6. At all times relevant herein, Officer Anthony Renaldi (hereinafter "Off. Renaldi") was a duly appointed and sworn officer of the Seymour Police Department.
7. At all times relevant herein, Officer Michael Jasmin (hereinafter "Off. Jasmin") was a duly appointed and sworn officer of the Seymour Police Department.
8. At all relevant times herein, the defendants, Sgt. King, Off. Renaldi and Off. Jasmin were acting within the scope of their employment with the Town of Seymour and its police department.
9. On or about March 9, 2012 at approximately 11:48 p.m., Eric Ramirez was operating a silver Ford Mustang bearing registration 233-YGL.

10. At all times relevant herein, Brandon Giordano was a passenger in said silver Ford Mustang bearing registration 233-YGL.
11. While the aforesaid vehicle was traveling in a westerly direction on state Route 67 in or about the area of a shopping plaza known as Klarides Village, the defendant Off. Renaldi observed said silver Ford Mustang being operated with multi-colored lights flashing around the bottom of the vehicle.
12. At said time and place, defendant Off. Renaldi turned his police cruiser around and attempted to "catch up" to the silver Ford Mustang by driving at a high rate of speed for an alleged violation of Connecticut General Statute 14-96p, an infraction offense.
13. At said time and place, the defendant Off. Renaldi initiated a pursuit by activating his audible sirens and overhead lights, and began to pursue the silver Ford Mustang at a high rate of speed for the aforementioned infraction offense.
14. Upon learning of said pursuit, defendant Off. Jasmin activated his audible siren and overhead lights, and joined the pursuit.
15. Defendants Off. Renaldi and Off. Jasmin continued pursuing said silver Ford Mustang at a high rate of speed along Route 67 and outside of their jurisdiction through the Town of Oxford, Connecticut.

16. As a consequence of the high speed police pursuit by defendants Off. Renaldi and Off. Jasmin, and their following said vehicle in a westerly direction on Route 67 in excess of the posted speed limit, the vehicle being operated by Eric Ramirez was traveling at a high rate of speed onto Old State Road 67 in Oxford, Connecticut.
17. As a further consequence of the high speed pursuit and following of said vehicle at speeds in excess of the posted speed limit on Route 67 and Old State Road 67, the Ramirez vehicle struck a ditch and left the travel portion of the roadway and violently collided with a commercial building located at 43 Old State Road 67, Oxford, Connecticut.
18. At all relevant times herein, defendants Off. Renaldi and Off. Jasmin continued to pursue the Ramirez vehicle despite the dangerously high speed which the police pursuit had reached and the hazard such pursuit posed to the safety of the decedent, Brandon Giordano, a passenger in the Ramirez vehicle.
19. At all times relevant herein, the defendants Off. Renaldi and Off. Jasmin engaged in the aforesaid high speed police pursuit improperly and in violation of Sections 14-283a-1 and 14-283a-4 of the Regulations of the Connecticut State Agencies, and Seymour Police Department Regulations Numbers 5.11.5 and 5.11.11 through 5.11.13, as defendant Off.

Renaldi initiated a high speed chase at night for an alleged infraction violation of General Statutes 14-96p.

20. At all times relevant herein, the defendants Off. Renaldi, Off. Jasmin and Sgt. King knew that Brandon Giordano was a passenger in the Ramirez vehicle, and that he was an identifiable victim who would be placed in imminent danger should they decide to initiate a high speed pursuit, and the subsequent high speed pursuit along state Route 67 and Old State Route 67, of the Ramirez vehicle for an alleged infraction violation of General Statutes Section 14-96p.
21. The collision between the Ramirez vehicle and the building located at 43 Old State Road 67 and the resulting injuries and damages to Brandon Giordano, were caused by the negligence of the defendants Off. Renaldi and Off. Jasmin in one or more of the following ways:
 - a. In that defendant Off. Renaldi initiated a high speed pursuit of the Ramirez vehicle for an alleged infraction violation of General Statutes Section 14-96p in violation of the Connecticut Uniform Statewide Pursuit Policy, Sections 14-283a-1 to 14-283a-4 of the Regulations of the Connecticut State Agencies, and Seymour Police Department Regulations, Sections 5.11.5 and 5.11.11 to 5.11.13, when he

knew or should have known in the exercise of reasonable care that it was dangerous to so do;

- b. In that defendant Off. Renaldi failed to consider and follow the procedures set forth in the Connecticut Uniform Statewide Pursuit Policy, Sections 14-283a-1 to 14-283a-4 of the Regulations of the Connecticut State Agencies, and Seymour Police Department Regulations, Sections 5.11.5 and 5.11.11 to 5.11.13, in determining whether to initiate a high speed pursuit of the Ramirez vehicle;
- c. In that defendants Off. Renaldi and Off. Jasmin failed to initiate and conduct the pursuit in conformity with the Connecticut Uniform Statewide Pursuit Policy, Sections 14-283a-1 to 14-283a-4 of the Regulations of the Connecticut State Agencies, and Seymour Police Department Regulations, Sections 5.11.5 and 5.11.11 to 5.11.13;
- d. In that defendants Off. Renaldi and Off. Jasmin failed to maintain continuous communication with the dispatcher and to communicate the information required as set forth by the Connecticut Uniform Statewide Pursuit Policy, Sections 14-283a-1 to 14-283a-4 of the Regulations of the Connecticut State Agencies, and Seymour Police Department Regulations, Sections 5.11.5 and 5.11.11 to 5.11.13;

- e. In that defendants Off. Renaldi and Off. Jasmin pursued the Ramirez vehicle at a rate of speed in excess of the posted speed limits on Route 67 and Old State Route 67 thereby endangering the life of persons in the vicinity including the decedent, Brandon Giordano, in violation of General Statute Section 14-283.
- f. In that defendants Off. Renaldi and Off. Jasmin operated their vehicles without due regard for the safety of persons in the vicinity including Brandon Giordano, in violation of General Statute Section 14-283 and the Connecticut Uniform Statewide Pursuit Policy, Sections 14-283a-1 to 14-283a-4 of the Regulations of the Connecticut State Agencies, and Seymour Police Department Regulations, Sections 5.11.5 and 5.11.11 to 5.11.13;
- g. In that defendants Off. Renaldi and Off. Jasmin followed the Ramirez vehicle at speeds in excess of the posted speed limit on Route 67 in violation of General statute section 14-218a;
- h. In that Off. Renaldi and Off. Jasmin operated their vehicles at unreasonable and excessive rates of speed given the road and traffic conditions then and there existing, thereby posing a threat of imminent injury or death to the decedent, Brandon Giordano, a passenger in the Ramirez vehicle, in violation of Connecticut

Uniform Statewide Pursuit Policy, Sections 14-283a-1 to 14-283a-4 of the Regulations of the Connecticut State Agencies, and Seymour Police Department Regulations, Sections 5.11.5 and 5.11.11 to 5.11.13.

22. As a direct and proximate result of the defendants' negligence and the aforementioned collision, the decedent, Brandon Giordano, was caused to be violently hurled in or about said automobile causing him to suffer serious personal injuries, including multiple blunt trauma injuries, some or all of which resulted in her death.
23. As a direct and proximate result of the defendants' negligence, the decedent was caused to suffer conscious pain and suffering and mental anguish.
24. As a direct and proximate result of the aforementioned negligence of the defendants, the decedent, Brandon Giordano was wrongfully deprived of the opportunities and enjoyment of his life, including but not limited to, social, cultural and family.
25. As a direct and proximate result of the aforementioned negligence of the defendants and resulting death of the decedent, Brandon Giordano, his estate was caused to suffer expense and related damages for funeral and burial expenses.

COUNT TWO: (Negligence as to defendant William King)

1 - 20. Paragraphs 1 through 20 of Count One are hereby made paragraphs 1 through 20 of

Count Two as if fully set forth herein.

21. Sgt. King was made aware of the pursuit and as the officer in charge and/or the supervisor, and was required to evaluate the situation and conditions that caused the pursuit to be initiated, the need to continue the pursuit and to monitor the incoming information and to coordinate and direct the actions of defendants Off. Renaldi and Off. Jasmin to ensure proper procedures were used.
22. Off. Renaldi and Off. Jasmin pursued the Ramirez vehicle under the supervision of defendant Sgt. King.
23. The collision between the Ramirez vehicle and the building located at 43 Old State Road 67 and the resulting injuries and damages to Brandon Giordano, were caused by the negligence of defendant Sgt. King in one or more of the following ways:
 - a. In that he failed to evaluate the situation and conditions that caused the pursuit to be initiated in violation of Connecticut Uniform Statewide Pursuit Policy, Sections 14-283a-1 to 14-283a-4 of the Regulations of the Connecticut State Agencies;
 - b. In that he failed to evaluate the need to continue the pursuit in violation of Connecticut Uniform Statewide Pursuit Policy, Sections 14-283a-1 to 14-283a-4 of the Regulations of the Connecticut State Agencies;

- c. In that he failed to ensure proper procedures were used in violation of the Connecticut Uniform Statewide Pursuit Policy, Sections 14-283a-1 to 14-283a-4 of the Regulations of the Connecticut State Agencies; and
- d. In that he failed order the pursuit terminated when the proper procedures were not being used in violation of Connecticut Uniform Statewide Pursuit Policy, Sections 14-283a-1 to 14-283a-4 of the Regulations of the Connecticut State Agencies.

24 -27. Paragraphs 22 through 25 of Count One are hereby made paragraphs 24 through 27 of Count Two as if fully set forth herein.

COUNT THREE: (Liability as to Town of Seymour pursuant to Connecticut General Statutes Section 52-557n)

1 - 25. Paragraphs 1 through 25 Count One are hereby made paragraphs 1 through 25 of the Count Three as if fully set forth herein.

26 -52. Paragraphs 1 through 27 of Count Two are hereby made paragraphs 26 through 52 of Count Three as if fully set forth herein.

53. The Defendant, Town of Seymour, is liable for damages sustained by the decedent Brandon Giordano and Angela Borelli, Administratrix of the Estate of Brandon Giordano, pursuant to

◇ Connecticut General Statutes Section 52-557n(a)(1)(A) for the negligent acts or omissions of its agents and/or employees who were acting within the scope of their employment or official duties.

COUNT FOUR: (Liability as to Town of Seymour pursuant to Connecticut General Statutes Section 7-465)

1 - 25. Paragraphs 1 through 25 Count One are hereby made paragraphs 1 through 25 of the Count Four as if fully set forth herein.

26 -52. Paragraphs 1 through 27 of Count Two are hereby made paragraphs 26 through 52 of Count Four as if fully set forth herein.

53. The Defendant, Town of Seymour, is liable to pay all sums which its agents, servants, and/or employees, the defendants Off. Renaldi, Off. Jasmin and Sgt. King, may be obligated to pay by reason of the liability imposed upon them for damages to Brandon Giordano and Angela Borelli, Administratrix of the Estate of Brandon Giordano, pursuant to the provisions of Connecticut General Statutes Section 7-465.

54. Written notice of the intention to file this claim was given to the Clerk of the Town of Seymour on July 11, 2012. A copy of the written notice is attached hereto Exhibit A.

◇ WHEREFORE, the plaintiff, Angela Borelli, Administratrix of the Estate of Brandon Giordano, claims:

1. Money damages;
2. Such other relief as warranted in equity and law.

THE PLAINTIFF,

BY: 

STEVEN J. ERRANTE, ESQ.
LYNCH, TRAUB, KEEFE AND ERRANTE
52 Trumbull Street
New Haven, CT 06510
Juris No. 034876
Tel. (203) 787-0275

◇ RETURN DATE: MARCH 18, 2014

SUPERIOR COURT

ANGELA BORELLI, ADMINISTRATRIX OF
THE ESTATE OF BRANDON GIORDANO

J.D. OF ANSONIA/MILFORD

V.

ANTHONY RENALDI, MICHAEL JASMIN,
WILLIAM KING, TOWN OF SEYMOUR

FEBRUARY 10, 2014

DEMAND FOR RELIEF

The plaintiff claims compensatory damages in excess of the sum of FIFTEEN
THOUSAND DOLLARS (\$15,000.00), exclusive of interest and costs.

THE PLAINTIFF

BY: 

STEVEN J. ERRANTE ESQ.

Lynch, Traub, Keefe & Errante

Tel. (203) 787 0275

Fax: (203) 782 0278

Juris: 034876

EXHIBIT A

LASALA, WALSH, WICKLOW & VELARDI, LLC

ATTORNEYS AT LAW

ANTHONY J. LASALA
JAMES O. WALSH
JOSEPH M. WICKLOW, III
FRANK B. VELARDI, JR.

EDWIN F. RAFFILE, JR. (1953-1976)

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July 11, 2012

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Town Clerk
Town of Seymour
1 First Street
Seymour, CT 06483

re: Estate of Brandon Giordano
c/o Angela Borrelli, Administratrix
94 Christian Street
Oxford, CT 06478

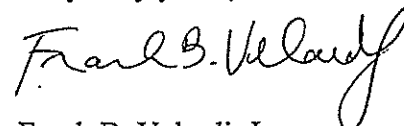
Dear Sir/Madam:

Pursuant to Section 7-465 of the General Statutes of Connecticut, I hereby give you notice of injuries sustained due to the negligence and carelessness of one or more employees of the Town of Seymour, the particulars of which are as follows:

PERSON INJURED:	Brandon Giordano, a minor child
DATE OF INJURY:	March 9, 2012
TIME OF INJURY:	Approximately 11:48 P.M.
PLACE OF INJURY:	Route 67/Old State Road, Oxford, Connecticut

Please consider this notice that the representative of the injured party intends to commence an action for the injuries and losses sustained against the Town of Seymour and/or one or more of its employees pursuant to Section 7-465 of the General Statutes of Connecticut.

Very truly yours,



Frank B. Velardi, Jr.

FBV/cmf